

REMARKS

The Office Action of January 20, 2010, has been reviewed and these remarks are responsive thereto. Claims 2 and 4 were previously canceled, and claims 3 and 8 have been canceled in the present paper, all without prejudice or disclaimer. No new matter has been added. Claims 1, 5-7, and 9-13 are pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 10 and 13¹ stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is traversed below.

The filed specification at page 4, line 27 – page 5, line 7 and Figure 1 provides “[t]he communication terminal 101 may for example be a mobile telephone terminal in a cellular or non-cellular, i.e. cordless, communication system or a PDA equipped with radio communication means. **The methods according to the different embodiments of the present invention will in general reside in the form of software instructions, together with other software components necessary for the operation of the terminal 101, in the memory 109 of the terminal 101. The software will be executed by the processor 107, which will receive and process input data from all other units in the telephone, including the motion detector 125.**” (emphasis added). The memory described at the cited passage of the filed specification is fundamentally a non-transitory computer readable medium. Thus, section 112, first paragraph support for the computer readable medium of claims 10-13 is provided in the specification. Withdrawal of the section 112, first paragraph rejection is requested.

Rejections Under 35 U.S.C. § 101

Claims 10 and 13 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is traversed below.

¹ The Office Action at pages 2-3 contends that claims 11 and 12 depend from claim 10. This is incorrect. Claim 10 depends from (method) claim 1 and claim 11 depends from (apparatus) claim 7. The section 112, first paragraph rejection is based on the recitation of a “computer readable medium”, and such a recitation is absent from claims 11 and 12. Applicants believe that the section 112, first paragraph rejection was intended to be applied to claims 10 and 13 as provided herein. In the event that this assumption is inaccurate, clarification is requested in the next communication. Similar remarks apply with respect to the section 101 rejections.

As discussed above with respect to the section 112, first paragraph rejections, the specification provides support for the recitation of a non-transitory computer readable medium. Claims 10 and 13 have been amended so as to be directed to a non-transitory computer readable medium. Based on the amendments, withdrawal of the section 101 rejection is requested.

Rejections Under 35 U.S.C. § 103

Claims 1, 3, and 5-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. pat. no. 7,130,583 (“Skorpik”), in view of U.S. pat. no. 6,449,492 (“Kenagy”). This rejection is traversed below.

Amended independent claim 1 recites “detecting a change of state of motion of an apparatus from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion; monitoring for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered by the detecting of the change of state of motion of the apparatus; and as a result of an absence of any user-induced input activity during the predetermined time period, activating an input lock in the apparatus.”

The art of record fails to teach an apparatus where device state changes from being substantially at rest to being in motion, wherein the change in state triggers monitoring for a user induced input activity for a predetermined time period and in absence of any user-induced input activity during the predetermined time period activating an input lock in the apparatus. Thus, notwithstanding whether a combination of Skorpik and Kenagy would have been proper, the combination fails to result in the above-noted features recited in amended claim 1. Claim 1 is allowable for at least the foregoing reasons.

Claims 7 and 10 each recite features similar to those described above with respect to claim 1. Claims 7 and 10 are distinguishable from the applied documents for at least reasons similar to those discussed above with respect to claim 1.

The dependent claims are distinguishable from the applied documents for at least the same reasons as their respective base claims.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
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